

United States District Court

JUL 24 2008

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Venue: San Francisco

V.

CRIMINAL COMPLAINT

MEJ

ERIC ARTEAGG RAMIREZ,
a/k/a ERIC ARTEAGA RAMIREZ
a/k/a ERIC RAMIREZ

CASE NUMBER: 3 - 08 - 70468

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about March 22, 2008 in San Mateo County, in the Northern District of California defendant(s) did,

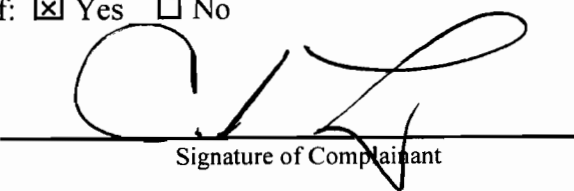
OFFENSE: ERIC ARTEAGG RAMIREZ, a/k/a ERIC ARTEAGA RAMIREZ, and ERIC RAMIREZ, an alien, after having been removed, excluded, and deported from the United States, was thereafter found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission into the United States, in violation of Title 8 United States Code, Section(s) 1326.

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT IN SUPPORT OF THIS COMPLAINT

PENALTIES: Imprisonment for not more than 20 years, a fine of not more than \$250,000.00, a \$100.00 dollar special assessment, and 3 years supervised release.

APPROVED AS TO FORM:


ASSISTANT UNITED STATES ATTORNEYContinued on the attached sheet and made a part hereof: ☒ Yes ☐ NoWarrant of Arrest Requested: ☐ Yes ☒ NoBail Amount: **NO BAIL**
Signature of Complainant

Sworn to before me and subscribed in my presence,



at

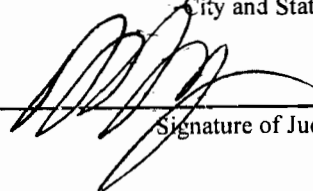
San Francisco, California

Date

City and State

Honorable Maria-Elena James**United States Magistrate Judge**

Name & Title of Judicial Officer


Signature of Judicial Officer

STATE AND NORTHERN DISTRICT OF CALIFORNIA)
) ss, AFFIDAVIT
CITY AND COUNTY OF SAN FRANCISCO)

I, Cesar J. Lopez, Deportation Officer, U.S. Immigration and Customs Enforcement (ICE), being duly sworn, depose and state:

I. INTRODUCTION AND PURPOSE OF AFFIDAVIT

1. This affidavit is submitted in support of a criminal complaint against ERIC ARTEAGG RAMIREZ, a/k/a ERIC ARTEAGA RAMIREZ, and a/k/a ERIC RAMIREZ for violating 8 U.S.C. § 1326. The facts set forth in this Affidavit are based on my review of RAMIREZ'S official Immigration file (No. A94 388 964), my personal observations, my training and experience, and where noted, information related to me by other law enforcement officials. However, the facts set forth in this Affidavit are not all facts related to RAMIREZ that I know.

II. AGENT'S BACKGROUND AND EXPERTISE

2. I have been a Deportation officer with the U. S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), formerly the United States Department of Justice (DOJ), Immigration and Naturalization Service (INS), for approximately 14 years. I am currently assigned to ICE's San Francisco, California office, and I am responsible for enforcing federal criminal statutes involving criminal aliens who reenter the United States illegally.

III. APPLICABLE LAW

3. Title 8 U.S.C. § 1326 provides criminal penalties for “any alien who . . . has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding, and thereafter enters, attempts to enter, or is at any time found in, the United States, unless (A) prior to his reembarkation at a place outside the United States or his application for admission from foreign contiguous territory, the Attorney General has expressly consented to such alien’s reapplying for admission; or (B) with respect to an alien previously denied admission and removed, unless such alien shall establish that he was not required to obtain such advance consent under this chapter or any prior Act”

IV. FACTS ESTABLISHING PROBABLE CAUSE

4. ERIC ARTEAGG RAMIREZ, a/k/a ERIC ARTEAGA RAMIREZ, and a/k/a ERIC RAMIREZ is a 21 year-old male who is a native and citizen of Mexico. RAMIREZ was deported from the United States to Mexico on January 17, 2008. RAMIREZ last entered the United States illegally on an unknown date in January 2008 by voluntarily crossing into California through the international border with Mexico by foot. RAMIREZ knowingly

remained in the United States without first having obtained the consent to reapply for admission from the Attorney General of the United States or the United States Secretary of Homeland Security.

5. Prior to his removal, RAMIREZ was convicted on or about January 8, 2002 for one count in violation of California Penal Code § 245(a)(1) (assault with a deadly weapon / with force likely to cause great bodily injury) and one count in violation of California Penal Code § 12020(a) (possession of a dangerous weapon). RAMIREZ was sentenced to ten months in county jail, and placed on three years of probation.

6. The official Immigration file for RAMIREZ contains one executed Warrant of Removal. The Warrant of Removal is dated January 17, 2008, the day that RAMIREZ was deported from the United States to Mexico.

7. On or about March 22, 2008, an ICE agent encountered RAMIREZ pursuant to his release from the San Mateo County Jail in Redwood City, California on unrelated charges. RAMIREZ stated that his name was Eric Arteagg Ramirez. Subsequently, the agent lodged an ICE detainer against him.

8. On July 21, 2008, Immigration Enforcement Agent Anthony Taitague interviewed RAMIREZ at the ICE office in San Francisco, California. After RAMIREZ was advised of his Miranda rights and the right to speak with the consular or diplomatic officers of his country of citizenship, he admitted that his true name was ERIC ARTEAGG RAMIREZ. RAMIREZ admitted that he was a citizen and national of Mexico and that he had been previously deported from the United States. He also admitted that he illegally reentered the United States on an unknown date in January 2008.

9. On July 22, 2008, a full set of rolled fingerprints belonging to RAMIREZ was submitted the Automated Fingerprint Identification Center ("AFIS"), for verification of the identity. The fingerprint examiner positively identified the fingerprint as belonging to RAMIREZ who had previously been removed from the United States as referenced in paragraph 4 through 6.

10. There is no indication in ICE's official files that RAMIREZ has applied for or been granted the requisite permission to reenter the United States from either the Attorney General of the United States or the Secretary of Homeland Security.

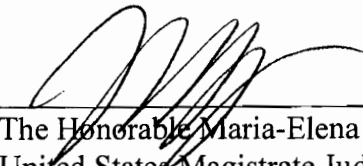
V. CONCLUSION

11. On the basis of the above information, I submit that probable cause exists to believe that ERIC ARTEAGG RAMIREZ, a/k/a ERIC ARTEAGA RAMIREZ, and a/k/a ERIC RAMIREZ illegally reentered the United States following deportation, in violation of 8 U.S.C. § 1326.



Cesar J. Lopez
Deportation Officer
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
San Francisco, California

Subscribed and sworn to before me this 24 day of July, 2008.



The Honorable Maria-Elena James
United States Magistrate Judge
Northern District of California
San Francisco, California